

# State of Wisconsin



1997 Senate Bill 173

Date of enactment: **June 16, 1998**  
Date of publication\*: **June 30, 1998**

## 1997 WISCONSIN ACT 294

AN ACT *to renumber* 48.415 (2) (a) and 48.415 (2) (c); *to renumber and amend* 48.415 (2) (b); *to amend* 48.415 (2) (intro.); and *to create* 48.415 (2) (am) of the statutes; **relating to:** termination of parental rights over a child who on 3 or more occasions has been adjudicated to be in need of protection or services and placed outside his or her home by an order of the juvenile court due to conditions caused by the parent.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 48.415 (2) (intro.) of the statutes is amended to read:

48.415 (2) CONTINUING NEED OF PROTECTION OR SERVICES. (intro.) Continuing need of protection or services, which shall be established by proving all any of the following:

**SECTION 2.** 48.415 (2) (a) of the statutes is renumbered 48.415 (2) (a) 1.

**SECTION 3.** 48.415 (2) (am) of the statutes is created to read:

48.415 (2) (am) 1. That on 3 or more occasions the child has been adjudicated to be in need of protection or services under s. 48.13 (3), (3m), (10) or (10m) and, in connection with each of those adjudications, has been placed outside his or her home pursuant to a court order under s. 48.345 containing the notice required by s. 48.356 (2).

2. That the conditions that led to the child's placement outside his or her home under each order specified in subd. 1. were caused by the parent.

**SECTION 4.** 48.415 (2) (b) of the statutes is renumbered 48.415 (2) (a) 2., and 48.415 (2) (a) 2. a., as renumbered, is amended to read:

48.415 (2) (a) 2. a. In this ~~paragraph~~ subdivision, "diligent effort" means an earnest and conscientious effort to take good faith steps to provide the services ordered by the court which takes into consideration the characteristics of the parent or child, the level of cooperation of the parent and other relevant circumstances of the case.

**SECTION 5.** 48.415 (2) (c) of the statutes, as affected by [1997 Wisconsin Act 80](#), is renumbered 48.415 (2) (a) 3.

### **SECTION 6. Initial applicability.**

(1) This act first applies to a child who is placed outside the child's home by an order under section 48.345 of the statutes entered on the effective date of this subsection, except that no order under s. 48.345 of the statutes entered before the effective date of this subsection may be considered in determining whether to terminate, or to find grounds to terminate, the parental rights of a person under section 48.415 (2) (am) of the statutes, as created by this act.

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\* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].